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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,611	01/26/2001	Keisei Yamamuro	P25630	1619

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GREENBLUM & BERNSTEIN, P.L.C.
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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2623

NOTIFICATION DATE	DELIVERY MODE
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04/04/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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pto@gbpatent.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/744,611

Applicant(s)

YAMAMURO ET AL.

Examiner

Sumaiya A. Chowdhury

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 31 January 2007. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

(a) Applicant argues "Instead of displaying the incoming television signal from a Tuner 11, the VCR 17 directs the delivery of the stored television signal data output from the Storage Device 52 for display on a TV 20" on page 14 of the Remarks filed 1/31/07.

Applicant is arguing that which is not claimed. Claim 1 does not recite the TV signal is displayed from a tuner, but rather displayed from a memory. Mankovitz's storage device 52 reads on the claimed memory feature.

(b) Applicant argues "Mankovitz's system does not extract an output form ID ... as recited in Applicants' independent claim 1" on page 15, 2nd paragraph.

Seth-Smith, not Mankovitz, was brought in to teach extracting the output form ID from subcontents data, determining an output form corresponding to the output form ID. Mankovitz was brought in to teach reconstructing the sub contents data and storing the main contents data in memory when the determined output form is a form for switching from display of main contents data to display of sub contents data. Applicant is arguing the claim on a piecemeal basis.

(c) Applicant argues "Applicants further submit that Mankovitz's system does not reconstruct the main contents data stored in memory when the determined output form is a form for switching from display of sub contents data to display of main contents data" on page 15, 2nd paragraph.

The claim as recited does not preclude the user from making the determination. The claim does not specify what/who makes the determination, hence, it is broad enough to read that the determination is made by the user.

(d) Applicant argues "...Seth-Smith's decoder does not perform a process to determine whether received sub contents data includes an output form ID which corresponds to an output form ID stored in a reference table of a reception device" on page 19, 3rd paragraph.

Referring to col. 16, lines 7-16, Seth-Smith teaches "When MATS 122 detects a coincidence, it then copies all succeeding text lines until a further teletext header is detected". Hence, it is determined whether the appropriate template exists or not by executing the step of comparing.

(e) Applicant argues "Seth-Smith does not teach...if the sub contents does not include an output form ID that corresponds to an output form ID stored in a reference table" on page 20, paragraph 1.

Referring to col. 20, lines 60-69, Seth-Smith teaches if the teletext message is not stored, the MATS 122 selects plural teletext pages and stores those not immediately displayed.

(f) Applicant argues claim 13 was not rejected in the Office Action.

Claim 13 contains the limitations of claims 1 and 17 and is analyzed as discussed with respect to those claims.



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